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1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE DISTRICT OF NEBRASKA  
3  
4   LISSETTE LARIOS ROOHBAKHSH,   )  
5   as personal representative       )  
6   of the ESTATE OF FATIMA         )  
7   LISSETTE LARIOS and on         )  
8   behalf of next of kin,          )  
9                                     )  
10                   and                )  
11                                     )  
12   NELSON LARIOS, as next of       )  
13   kin,                               )  
14                                     )  
15                   Plaintiffs,       )  
16                                     )  
17   vs.                                ) Case No. 8:17-cv-00031  
18                                     )  
19   BOARD OF TRUSTEES OF THE        )  
20   NEBRASKA STATE COLLEGES,        )  
21                                     )  
22                   Defendants.         )  
23   -----) )

15                   DEPOSITION OF  
16                   DONNA PETERS, PSY.D  
17                   DENVER, COLORADO  
18                   December 6, 2018

21   ATKINSON-BAKER, INC.  
22   COURT REPORTERS  
23   500 North Brand Boulevard, Third Floor  
24   Glendale, California 91203  
25   (818) 551-7300  
  
26   REPORTED BY:   THERESA L. MENDEZ  
  
27   FILE NO:       AC0AF03

Donna Peters, Psy.D  
December 6, 2018

**EXHIBIT**  
**59**

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<p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF NEBRASKA 3 LISSETTE LARIOS ROOHBAKHSH, ) 4 as personal representative ) 5 of the ESTATE OF FATIMA ) 6 LISSETTE LARIOS and on ) 7 behalf of next of kin, ) 8 and ) 9 NELSON LARIOS, as next of ) 10 kin, ) 11 Plaintiffs, ) 12 vs. ) Case No. 8:17-cv-00031 13 BOARD OF TRUSTEES OF THE ) 14 NEBRASKA STATE COLLEGES, ) 15 Defendants. ) 16 ----- ) 17 Deposition of DONNA PETERS, PSY.D, taken on 18 behalf of Defendants, at 8055 East Tufts Avenue, Suite 19 525, Denver, Colorado 80237, commencing at 9:04 a.m., 20 December 6, 2018, before Theresa L. Mendez, Registered 21 Professional Reporter and Notary Public. 22 23 24 25</p> <p style="text-align: right;">Page 2</p>	<p>1 I N D E X 2 WITNESS: DONNA PETERS, PSY.D 3 EXAMINATION PAGE 4 By Mr. Johnson 5, 259 5 6 By Mr. Gould 194, 263 7 8 EXHIBITS 9 DESCRIPTION PAGE 10 Exhibit 1 Report 217 11 Exhibit 2 Lisa Boesky's Report 245 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: right;">Page 4</p>
<p>1 A P P E A R A N C E S 2 FOR PLAINTIFFS: 3 ROMANUCCI &amp; BLANDIN, LLC 4 BY: MARTIN D. GOULD, ESQ. 5 321 North Clark Street 6 Suite 900 7 Chicago, Illinois 60654 8 888-458-1145 9 312-458-1004 (telefax) 10 mgould@rblaw.net 11 12 FOR DEFENDANTS: 13 JOHNSON &amp; TABOR 14 BY: THOMAS E. JOHNSON, ESQ. 15 11932 Arbor Street, Suite 101 16 Omaha, Nebraska 68144 17 402-506-4444 18 402-506-4442 (telefax) 19 tjohnson@johnsontabor.com 20 21 22 23 24 25</p> <p style="text-align: right;">Page 3</p>	<p>1 P R O C E E D I N G S 2 DONNA PETERS, PSY.D, 3 the Deponent having been first duly sworn, was examined 4 and testified on her oath as follows: 5 EXAMINATION 6 BY MR. JOHNSON: 7 <b>Q Good morning, Dr. Peters.</b> 8 A Good morning. 9 <b>Q Would you give us your address, please.</b> 10 A Sure. 1720 South Bellaire Street, Suite 907, 11 Denver 80222. 12 <b>Q And how long have you done business at that</b> 13 <b>address approximately?</b> 14 A At that particular address, about ten years. 15 <b>Q You have, as I understand it, been retained by</b> 16 <b>the plaintiffs in this lawsuit to render certain opinions;</b> 17 <b>is that correct?</b> 18 A I have. 19 <b>Q And you have prepared a written report which</b> 20 <b>has been submitted through counsel; is that correct?</b> 21 A That's correct. 22 <b>Q You have that report with you this morning?</b> 23 A I do. 24 <b>Q If you would look at page 39 of your report,</b> 25 <b>there is a section at the bottom which is captioned</b></p> <p style="text-align: right;">Page 5</p>

2 (Pages 2 to 5)

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December 6, 2018

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1 **Q Is it your opinion that she looped the cord and**  
2 **the power cord around the clothes rod in the closet and**  
3 **placed her neck in the loop?**  
4 THE COURT REPORTER: Can you repeat that?  
5 **Q (BY MR. JOHNSON) Is it your opinion that she**  
6 **looped the power cord around the clothes rod in the closet**  
7 **and placed her neck in the loop?**  
8 A I believe that is the finding.  
9 **Q And when she did so, Doctor, in your opinion,**  
10 **did she do so appreciating the natural consequences of**  
11 **those actions?**  
12 MR. GOULD: Objection; foundation, speculation.  
13 **Q (BY MR. JOHNSON) I'm just asking your opinion.**  
14 A I don't know what her thoughts were in that  
15 moment.  
16 **Q Do you have an opinion as to whether she was**  
17 **competent and capable of appreciating the natural**  
18 **consequences of those actions at the time she did it?**  
19 MR. GOULD: Objection; foundation, speculation.  
20 THE WITNESS: I know there was alcohol found in  
21 her system. And I don't know -- I don't know how that may  
22 have impacted her state of mind in that moment.  
23 **Q (BY MR. JOHNSON) I'd have to ask you again.**  
24 **Do you have an opinion as to whether or not Fatima Larios**  
25 **appreciated the natural consequences of her actions on the**

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1 **night she committed suicide?**  
2 MR. GOULD: Objection; asked and answered.  
3 MR. JOHNSON: I don't believe she has answered  
4 that.  
5 THE WITNESS: I don't believe I can answer  
6 that.  
7 **Q (BY MR. JOHNSON) Okay. That's fine. So you**  
8 **do not have an opinion?**  
9 A On what her intention was at the moment?  
10 **Q No. On whether or not she appreciated the**  
11 **consequences of her actions?**  
12 MR. GOULD: Objection; foundation, speculation,  
13 asked and answered.  
14 THE WITNESS: I can't answer that, because I  
15 don't know how much alcohol she had in her system at the  
16 time.  
17 **Q (BY MR. JOHNSON) Do you have an opinion as to**  
18 **whether or not Fatima Larios was clinically insane at the**  
19 **time of her suicide?**  
20 A I do not believe she was clinically insane. I  
21 don't see evidence of that.  
22 **Q Do you have an opinion as to whether or not at**  
23 **the time of her suicide she was mentally capable of**  
24 **understanding the finality of death?**  
25 MR. GOULD: Objection; foundation, speculation.

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1 THE WITNESS: I don't believe I can answer  
2 that.  
3 **Q (BY MR. JOHNSON) Do you have an opinion as to**  
4 **whether or not she was suffering delirium at the time of**  
5 **her suicide?**  
6 MR. GOULD: Are you talking about the exact  
7 moment that she's committing suicide?  
8 THE WITNESS: I'm confused by the question.  
9 **Q (BY MR. JOHNSON) At the time of her suicide,**  
10 **in your opinion, if you have one, was she suffering from**  
11 **delirium?**  
12 MR. GOULD: Objection; speculation, foundation.  
13 THE WITNESS: What is your definition of  
14 "delirium"?  
15 **Q (BY MR. JOHNSON) It's a psychological**  
16 **definition. What's yours?**  
17 A That's why I'm asking. Are you talking about  
18 the DSM definition of delirium?  
19 **Q Yes.**  
20 A I don't believe I could answer that.  
21 **Q One way or other?**  
22 A No.  
23 **Q You have no opinion as to whether or not at the**  
24 **time of her suicide she was mentally capable of**  
25 **controlling her impulses?**

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1 MR. GOULD: Objection; speculation, foundation.  
2 THE WITNESS: Again, I don't believe I can  
3 answer that.  
4 **Q (BY MR. JOHNSON) Do you have an opinion as to**  
5 **whether or not Fatima Larios' suicide was voluntary?**  
6 A Voluntary in that she's the one that took her  
7 life versus somebody else taking her life.  
8 **Q And do you have an opinion as to whether or**  
9 **not --**  
10 A I believe she took her life.  
11 **Q And you believe that she made a conscience**  
12 **decision to do so?**  
13 MR. GOULD: Objection; speculation, foundation.  
14 THE WITNESS: A conscience decision, I believe  
15 so.  
16 **Q (BY MR. JOHNSON) All right. Do you believe**  
17 **that she had a willful purpose to accomplish her death?**  
18 MR. GOULD: Objection; speculation, foundation,  
19 form.  
20 THE WITNESS: Can you repeat the question?  
21 **Q (BY MR. JOHNSON) Yes.**  
22 **Do you believe that on the night of**  
23 **January 30-31, 2015, Fatima Larios had a willful purpose**  
24 **to accomplish her death?**  
25 MR. GOULD: Objection; foundation, speculation.

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I, DONNA PETERS, PSY.D, do hereby certify that  
I have read the above and foregoing deposition and that  
the above and foregoing transcript and accompanying  
Amendment sheet(s), if any, constitute a true and complete  
record of testimony.

Amendment sheet (s) attached ( )  
No changes, therefore no Amendment sheet(s) attached ( )

\_\_\_\_\_  
DONNA PETERS, PSY.D

Subscribed and sworn before me in the County of  
\_\_\_\_\_, state of Colorado, this \_\_\_\_\_ day of  
\_\_\_\_\_, 2018.

\_\_\_\_\_  
Notary Public

My commission expires

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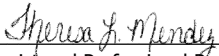
DEPOSITION OF  
DONNA PETERS, PSY.D

REPORTER'S CERTIFICATE

I, THERESA L. MENDEZ, Registered Professional  
Reporter and Notary Public in and for the State of Colorado,  
do hereby certify that prior to the commencement of the  
examination, the Witness was by me first duly sworn to  
testify the truth; that said deposition was taken in  
shorthand by me at the time and place hereinabove set forth  
and was thereafter reduced to typewritten form under my  
supervision, as per the foregoing transcript; that the  
same is a full, true, and correct transcription of my  
shorthand notes then and there taken.

I further certify that I am not related to,  
employed by, nor of counsel for any of the parties or  
attorneys herein, nor otherwise interested in the event of  
the within action.

My commission expires September 21, 2021, and I  
have hereunto set my hand this 21st day of December, 2018.

  
\_\_\_\_\_  
Registered Professional Reporter  
and  
Notary Public

Signature required.

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Donna Peters, Psy.D  
December 6, 2018